

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TOUCHSTONE RESEARCH GROUP LLC,
JOHN DOES 1-50, and JANE DOES 1-50,

18-Civ. 3451 (OTW)

Plaintiffs,

vs.

DEPARTMENT OF DEFENSE, et al.,

DECLARATION OF
MARTIN G. BAYERLE

Defendants.

Martin G. Bayerle, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury as follows:

1. I am the managing member of Plaintiff Touchstone Research Group LLC and am fully familiar with the facts and circumstances of this matter.
2. This Declaration is submitted in support of Plaintiffs' Opposition to the Defendants' Motion to Dismiss the Amended Complaint now pending before this Court.
3. Prior to the requesting and obtaining certain military records at the direction of individual veterans and/or their families, Plaintiff Touchstone Research Group LLC will confirm their order for such certified copies of the requested documents by providing an instruction sheet, fax cover sheet, and a formal Request Pertaining to Military Records containing Sections I, II and III which are to be considered and completed by the veteran and/or family member. A true specimen copy of this three page document is annexed hereto and made part of this Declaration by Exhibit 1.
4. The Request Pertaining to Military Records at Section III requires the Requester's address and signature and includes a recited Limited Power of Attorney granted to Touchstone Research Group LLC and their researchers to obtain the specified

records. No action will be taken by Touchstone Research Group LLC in regard to any

Request until the completed and signed documents are returned that firmly establishes the principal-agent relationship between the Touchstone Research Group LLC and the Requester by the executed Limited Power of Attorney to do the necessary to obtain the pertinent records. *See* Section III at paragraph 2 of the Request Pertaining to Military Records of annexed Exhibit 1 hereto.

5. I have reviewed the Defendants' Motion To Dismiss and the legal issues and arguments contained therein. At no time prior to or at the time of the filing of this lawsuit had I ever been made aware by any government agency or department that provided notice of issues now presented by the motion in writing or otherwise. Also, Touchstone Research Group LLC was never provided an opportunity to present evidence and arguments to defend its position in writing or otherwise. Furthermore, there has been no formal adjudication of these issues or decision made by a neutral decision maker that addressed these issues or any written statement of reasons for any decision made on the issues presented by the motion which Touchstone Research Group LLC had been made aware of previously.
6. Touchstone Research Group LLC has determined that from the date of filing suit of April 19, 2018 within the preceding six years going back to April 19, 2012 that there have been 453 specific orders for military records made by individuals whose address were identified to Touchstone Research Group LLC within the geographic jurisdiction of the U.S. District Court for the Southern District of New York. There are thousands of other requests that were made to Touchstone Research Group LLC that were requested from outside of the Southern District of New York during this time period. Because the denials and delays complained of in this suit, Touchstone Research Group LLC has a certain number of specific Requesters residing within the jurisdiction of this Court who have been affected adversely. In order to substitute the John and Jane Doe Plaintiffs with specific named individuals residing in this District,

same will take additional time for Touchstone Research Group LLC to verify,

communicate and obtain approvals to proceed with the disclosures of their identity to

substitute their names replacing the John and Jane Does in this litigation.

7. I declare under penalty of perjury that the foregoing is true and correct.

Executed On: December 4, 2018



MARTIN G. BAYERLE
Managing Member
Touchstone Research Group LLC